

116TH CONGRESS
1ST SESSION

H. R. 2095

To direct the Secretary of Health and Human Services, for the purpose of addressing public health crises, to require the manufacturers of covered products to develop, maintain, and update a plan to mitigate the effects of such products on public health, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 4, 2019

Mr. DESAULNIER introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To direct the Secretary of Health and Human Services, for the purpose of addressing public health crises, to require the manufacturers of covered products to develop, maintain, and update a plan to mitigate the effects of such products on public health, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “National Public Health
5 Act of 2019”.

1 **SEC. 2. ADDRESSING PUBLIC HEALTH CRISES BY REQUIR-**
2 **ING PLANS TO MITIGATE THE EFFECTS OF**
3 **COVERED PRODUCTS ON PUBLIC HEALTH.**

4 (a) **REQUIREMENT.**—For the purpose of addressing
5 public health crises listed pursuant to subsection (b), the
6 Secretary shall require the manufacturer of a covered
7 product—

8 (1) not later than 180 days after such product
9 is listed pursuant to subsection (c), to develop and
10 begin implementation of a plan to mitigate the ef-
11 fects of such product on public health; and

12 (2) so long as the listing remains in effect, to
13 maintain and update such plan.

14 (b) **LIST OF PUBLIC HEALTH CRISES.**—Subject to
15 the availability of appropriations, the Secretary shall seek
16 to enter into a contract, not later than 180 days after the
17 date of enactment of this Act, with the National Academy
18 of Medicine (or, if the National Academy declines, another
19 appropriate entity)—

20 (1) to develop and publish a list of public health
21 crises; and

22 (2) to update such list continuously.

23 (c) **LIST OF COVERED PRODUCTS.**—The Secretary
24 shall develop, publish, and update a list of products (in
25 this Act referred to as “covered products”) that—

1 (1) are manufactured for human use or con-
2 sumption; and

3 (2) are determined by the Secretary to have a
4 fiscal impact on the United States public health sys-
5 tem, taken collectively with other similar products,
6 of \$50,000,000 or more per year.

7 (d) CIVIL PENALTY.—

8 (1) IN GENERAL.—A manufacturer shall be lia-
9 ble to the United States for a civil penalty if—

10 (A) the manufacturer violates subsection
11 (a); and

12 (B) the Secretary determines that such
13 violation has a negative impact on public
14 health.

15 (2) AMOUNT.—The amount of a civil penalty
16 under paragraph (1) shall not exceed \$20,000 for
17 each day on which the violation continues.

18 (e) DEFINITION.—For purposes of this Act:

19 (1) The term “public health crisis”—

20 (A) shall be defined by the Secretary; and

21 (B) may include an event or occurrence
22 that—

23 (i) is temporary or permanent;

24 (ii) is manmade or naturally occur-
25 ring; and

1 (iii) substantially negatively impacts
2 the public health.

3 (2) The term “Secretary” means the Secretary
4 of Health and Human Services.

○